

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

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WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/IB2004/001500

International filing date (day/month/year)
06.05.2004

Priority date (day/month/year)
12.05.2003

International Patent Classification (IPC) or both national classification and IPC
G07C9/00

Applicant
KONINKLIJKE PHILIPS ELECTRONICS N.V.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1b/s(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/B2004/001500

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2004/001500

Box No. II Priority

1. ☒ The following document has not been furnished:

- ☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).
- ☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(I) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	3-12, 14-22
	No: Claims	1,2,13
Inventive step (IS)	Yes: Claims	
	No: Claims	1-22
Industrial applicability (IA)	Yes: Claims	1-22
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V.

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents:

D1: US 2003/0068044 A1

D2: EP 0 941 696 A1

D3: WO 00/36566 A1

The present application **does not meet the criteria of Article 33(1) PCT**, because the subject-matter of claims 1-22 is not new and/or not inventive in the sense of Article 33(2) and 33(3) PCT.

1. Independent claim 1:

The document D1 discloses (the references in parentheses applying to this document): A method for selectively activating biometric sensors (fig. 1: ref. 10) to authenticate the identity of an individual while conserving system resources, comprising the acts of (description: page 3 paragraphs [0034]-[0038]; fig. 2):

- activating a first tier biometric sensor (fig. 1: ref. 15) to verify the biometric of said individual (description: page 3 paragraph [0037]; fig. 2: steps 105-135); and
- activating a second tier biometric sensor (fig. 1: ref. 20-25) to verify the biometric of said individual in the case where said individual is successfully verified with said first tier biometric sensor (description: page 3, paragraph [0037] last sentence - paragraph [0038] line 6; fig. 2: steps 135-145).

Therefore, independent claim 1 is **not new** in view of D1 (**Article 33(2) PCT**).

2. Independent claim 13 (the system claim for the method claim 1):

The document D1 discloses (the references in parentheses applying to this document): A system (fig. 1) for selectively activating biometric sensors (fig. 1: ref., 15, 20-25) to authenticate the identity of an individual while conserving system resources, comprising:

- a biometric security device (fig. 1: ref. 10) comprising a plurality of biometric devices;
- at least one processor (fig. 1: ref. 35) connected to said biometric security device (fig. 1: ref. 10), said at least one processor (fig. 1: ref. 35) including one or more databases (fig. 1: ref. 45) for storing biometric and user data;
- said processor programmed to process the method disclosed in independent claim 1

(see citations relating to the method of claim 1).

Therefore, independent claim 13 is **not new** in view of D1 (**Article 33(2) PCT**).

3. Independent claims 3, 5, 7, 9, 15, 17, 19, 21:

Document D1 discloses a system and method for selectively activating biometric sensors organized in two tiers to authenticate the identity of an individual. The second tier biometric sensor (fig. 1: ref. 20-25), the more sophisticated, is activated only after a condition related to the first tier biometric sensor is fulfilled (description: page 3, paragraph [0037] last sentence - paragraph [0038] line 6; fig. 2: steps 135-145). Independent method claims 3, 5, 7, 9 and the corresponding independent system claims 15, 17, 19 and 21, disclose only variation of this said condition, in order to activate the second tier of the biometric sensors for authenticating the individual. The disclosed conditions by the application are well known in the state of the art of using biometric sensors. Starting from D1 a person skilled in the art is able without involving an inventive step to change the criteria according to his needs. Therefore, independent claims 3, 5, 7, 9, 15, 17, 19, 21 are **not inventive** in view of D1 (**Article 33(3) PCT**).

Please note, that conserving system resources by activating a biometric sensor only when using it, the underlying concept of this application, is also known (see document D2).

4. Dependent claims:

Dependent claims 2, 4, 6, 8, 10-12, 16, 18, 20 and 22 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step, see documents D1-D3 and the corresponding passages cited in the search report.

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**WRITTEN OPINION OF THE
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 - ☐ furnished subsequently to this Authority for the purposes of search.
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2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	3-12, 14-22
	No: Claims	1,2,13
Inventive step (IS)	Yes: Claims	
	No: Claims	1-22
Industrial applicability (IA)	Yes: Claims	1-22
	No: Claims	

2. Citations and explanations

see separate sheet

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Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents:

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D2: EP 0 941 696 A1

D3: WO 00/36566 A1

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1. Independent claim 1:

The document D1 discloses (the references in parentheses applying to this document): A method for selectively activating biometric sensors (fig. 1: ref. 10) to authenticate the identity of an individual while conserving system resources, comprising the acts of (description: page 3 paragraphs [0034]-[0038]; fig. 2):

- activating a first tier biometric sensor (fig. 1: ref. 15) to verify the biometric of said individual (description: page 3 paragraph [0037]; fig. 2: steps 105-135); and
- activating a second tier biometric sensor (fig. 1: ref. 20-25) to verify the biometric of said individual in the case where said individual is successfully verified with said first tier biometric sensor (description: page 3, paragraph [0037] last sentence - paragraph [0038] line 6; fig. 2: steps 135-145).

Therefore, independent claim 1 is **not new** in view of D1 (**Article 33(2) PCT**).

2. Independent claim 13 (the system claim for the method claim 1):

The document D1 discloses (the references in parentheses applying to this document): A system (fig. 1) for selectively activating biometric sensors (fig. 1: ref., 15, 20-25) to authenticate the identity of an individual while conserving system resources, comprising:

- a biometric security device (fig. 1: ref. 10) comprising a plurality of biometric devices;
- at least one processor (fig. 1: ref. 35) connected to said biometric security device (fig. 1: ref. 10), said at least one processor (fig. 1: ref. 35) including one or more databases (fig. 1: ref. 45) for storing biometric and user data;
- said processor programmed to process the method disclosed in independent claim 1

(see citations relating to the method of claim 1).

Therefore, independent claim 13 is **not new** in view of D1 (**Article 33(2) PCT**).

3. Independent claims 3, 5, 7, 9, 15, 17, 19, 21:

Document D1 discloses a system and method for selectively activating biometric sensors organized in two tiers to authenticate the identity of an individual. The second tier biometric sensor (fig. 1: ref. 20-25), the more sophisticated, is activated only after a condition related to the first tier biometric sensor is fulfilled (description: page 3, paragraph [0037] last sentence - paragraph [0038] line 6; fig. 2: steps 135-145). Independent method claims 3, 5, 7, 9 and the corresponding independent system claims 15, 17, 19 and 21, disclose only variation of this said condition, in order to activate the second tier of the biometric sensors for authenticating the individual. The disclosed conditions by the application are well known in the state of the art of using biometric sensors. Starting from D1 a person skilled in the art is able without involving an inventive step to change the criteria according to his needs. Therefore, independent claims 3, 5, 7, 9, 15, 17, 19, 21 are **not inventive** in view of D1 (**Article 33(3) PCT**).

Please note, that conserving system resources by activating a biometric sensor only when using it, the underlying concept of this application, is also known (see document D2).

4. Dependent claims:

Dependent claims 2, 4, 6, 8, 10-12, 16, 18, 20 and 22 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step, see documents D1-D3 and the corresponding passages cited in the search report.